IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1833 of 1991

With

SPECIAL CIVIL APPLICATION No. 6487 of 1991

To

SPECIAL CIVIL APPLICATION No. 6492 of 1991

With

SPECIAL CIVIL APPLICATION No. 3642 of 1991

With

SPECIAL CIVIL APPLICATION No. 3746 of 1992

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GUJ KAMDAR MANDAL & 2 - Petitioner(s)

Versus

O N G C & 5 - Respondent(s)

==========

Appearance :

MR AK CLERK for Petitioner No(s).: 1,2,3.

MR AJAY R MEHTA for Respondent No(s).: 1, 2,3.
MR HR LATHIGARA for Respondent No(s).: 4.
MR KL PANDYA AGP for Respondent No(s).: 5.
RULE SERVED BY DS for Respondent No(s).: 6.
==========

CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 14/07/2005

ORAL JUDGMENT

1.0 The petitioners herein have prayed for the following reliefs;

> "(a) directing the respondents no.1 to 3 to treat the persons whose names are mentioned in Annexure-A to the petition as permanent workmen form the date of their initial engagement and to pay to them all benefits like pay and allowances and other benefits on the basis of equal pay for equal work.
>
> (b) restraining the respondent authorities form terminating the services of these workmen whose names are stated in the statement at Annexure-A to the petition and further restraining them from altering the status quo regarding the conditions of service.
>
> (c) directing the respondents no.5 and 6 to investigate into the complaints of these workmen raised in the present petition and report to this Hon'ble Court and to take appropriate steps for enforcing various labour laws like Industrial Disputes Act, Payment of Wages Act, Minimum Wages Act etc.
>
> (d) .....
>
> (e) ....."

2.0 I have heard learned counsel for the parties and have perused the documents placed on record. Having gone

through the reliefs claimed by the petitioner Union, I am of the opinion that the appropriate remedy available to the petitioner Union is to claim the aforesaid reliefs by way of raising a Demand before the Industrial Tribunal (Central).

3.0 In that view of the matter, the petitioner Union shall approach the Industrial Tribunal (Central) by way of a Demand to claim the aforesaid reliefs. With the above direction, the petitions stand disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

pravin/ *